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ARE") that was associated with the selected hot spot 44 in FIG. 2A." Clearly, the "embedded menu" in Gennaro is not presented when an end-user clicks on the banner as in the rejected Claims of the present Application but rather when the end-user clicks on one of the hot spots 44. Furthermore, the "banner" in Gennaro clearly is just a heading or title for the "embedded menu".

The Examiner disagrees with the Applicant's contention that the "banner" in Gennaro clearly is just a heading or title for the "embedded menu" and is not a banner used for advertising. The Examiner states that the independent claims of the present application do not define a banner as advertising and, even if they did, the embedded menu in Gennaro can be considered advertising because it makes the menu options known to those viewing the menu. This is clearly erroneous and not consistent with the definition of "banner" as understood by one skilled in the art. A banner or banner ad or ad banner as they are known to those skilled in the art is typically a rectangular advertisement placed on a Web site either above, below, or on the sides of the Web site's main content and is linked to the advertiser's own Web site. This is clearly not what is disclosed in Gennaro. Furthermore, the Examiner has arbitrarily decided to mislabel the content of the web site screen in Gennaro as advertising, it clearly is not. The Applicant has included with this paper copies of several webpages defining the term "banner" to prove their point. Gennaro does not call out anything in the embedded menu advertising and it clearly is the main information of the web page illustrated therein. It is clearly not "a rectangular advertisement placed on a Web site either above, below, or on the sides of the Web site's main content and is linked to the advertiser's own Web site" or anything else that one skilled in the art would call a banner.

The Examiner's response to this point in paragraph 11 in the latest Office Action states "if the embedded menu is displayed when the user's cursor is over a hot spot on the banner then the embedded menu would have to be displayed when the banner

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is clicked on because the process of clicking on the banner would require a user to put the cursor over the host spot thus displaying the menu." This is a supposition of the Examiner and not something taught or disclosed in the Gennaro reference and, thus, has no bearing whatsoever regarding the 102 rejection.

Gennaro teaches the following:

"FIG. 2B shows an embedded menu 46 in displayed web page 40 which has been invoked by positioning of pointer 42 over the upper hot spot 44. In the illustrated example, selection of the upper hot spot 44 is indicated by highlighting that hot spot 44 with a halo, as shown. Embedded menu 46 includes a banner that matches the text ("WHO WE ARE") that was associated with the selected hot spot 44 in FIG. 2A. Embedded menu 46 also includes a number of links 48, each providing a link to another web page or resource. The links 48 provided by embedded menu 46 may or may not be URLs directly accessible without initially passing through the initial displayed web page 40."

Clearly, the Gennaro patent does not disclose the banner display means having a menu display means for presenting a menu of navigation options when an end-user clicks on the banner as found in Claim 1. This is the only use of the word banner in the entire Gennaro patent. Clearly, there are no hot spots on the banner as supposed in the Examiner's response above. The issue here is not what could have been but, rather, what does Gennaro actually teach. Gennaro clearly does not teach or disclose the banner display means having a menu display means for presenting a menu of navigation options when an end-user clicks on the banner.

As further regards Claim 28, contrary to the Examiner's contention, the Gennaro patent does not disclose publishing software for producing and changing banner software for displaying banners nor does the Gennaro patent disclose a means for storing the banner software for distribution to the end-user computer. The banner in Gennaro is a non-changing title of the

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embedded menu and no mention is made of software for changing the banner. As discussed above, Gennaro does not teach or suggest "a means for selecting navigation options for the banner software, wherein the banner software is in machine readable format having a banner display means for displaying a banner on a screen on an end-user computer, said banner display means having a menu display means for presenting a menu of navigation options when an end-user clicks on said banner, and at least a portion of said navigation options are URLs on a network to which the end-user computer is connectable" as recited in Claim 28.

As further regards Claims 36 and 37, contrary to the Examiner's contention, the Gennaro patent does not disclose an alerting means for alerting the end-user that the message has been sent to the end-user computer. No mention whatsoever is made of messaging or alerting in the Gennaro patent. The Gennaro patent does not disclose messaging software for producing and sending a message that appears on the screen of end-user computers that have banner software installed on the end-user computers. Nothing in the Gennaro patent discloses the messaging software having a means for inputting the message to be transmitted to and displayed on the end-user computers. The Gennaro patent does not disclose or even discuss a means for sending or displaying messages when the banner is displayed on a screen on an end-user computer. The Gennaro patent discloses embedding a menu in a web page to allow a user of a web browser to access multiple links through one action in the web page. No mention is made of changing or alerting a user to any changes in either the displayed webpage or banner or embedded menu. The Examiner contends that Gennaro teaches the software as claimed in Claim 36 further comprising an alerting means for alerting the end-user that the message has been sent to the end-user computer (col. 3, lines 26-64, displaying a banner is considered alerting the user of a message). The Examiner's contention is not supported by the disclosure or claims in Gennaro. The banner in Gennaro doesn't change, no mention is made of any message in

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Gennaro, and nothing in Gennaro even hints of such an element, purpose, or function. The Examiner's response "the text of the menu can be considered a message because it is part of an http response message from the web server" is totally unfounded. The Examiner has made this supposition but it is not taught or disclosed in the prior art. The Examiner contends that "The claim language specifying the alerting means is very broad and general. For instance the applet taught by Gennaro in the cited portion could be considered an alerting means because it shows the message of the embedded menu." How does this alert anyone to anything? The Examiner has again made an unfounded supposition.

Therefore, the Applicant respectfully submits that the remarks above clearly prove that there is an absence of features of the presently claimed invention in the cited reference. The Applicant respectfully submits that the Examiner's rejection of Claims 1, 28, 32, 36-37, 40, 41, and 49 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,742,768 to Gennaro et al., has been overcome by the remarks above and that these Claims are in condition for allowance.

Claim Rejections - 35 USC § 103

2. The Examiner's rejection of Claims 2-27, 29, 31, 33-34, 42-48, and 50-53 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, has been carefully studied and the Applicant respectfully disagrees with the Examiner because there is an absence of features of the presently claimed invention and there is not even a suggestion in the cited references that would lead one skilled in the art to combine the Gennaro and Hoyle references. As clearly proven above, Gennaro fails to teach "a menu display means for presenting a menu of navigation options when an end-user clicks on the banner and at least a portion of the navigation options are URLs on a network to which an end-user computer is connectable".

The Hoyle patent teaches displaying of a window

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containing a banner region 28 for advertisements or other messages processed by an ADM module 14 and downloading new banners from the ADM server 22 based on computer usage information sent to the ADM server 22 for use in profiling the end-user and better targeting future advertising to the end-user. Hoyle does not teach "a menu display means for presenting a menu of navigation options when an end-user clicks on the banner and at least a portion of the navigation options are URLs on a network to which an end-user computer is connectable". The Hoyle and Gennaro patents disclose and teach static banners that offer no functionality such as the banner in the Claims of the present Application which contains a menu display means for presenting a menu of navigation options when an end-user clicks on the banner.

The Examiner contends that it would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gennaro regarding a means for displaying navigation options with the teachings of Hoyle regarding the monitoring of a user's behavior because information about a user's interaction with a banner allows an advertiser to subsequently send more relevant banners (Hoyle, col. 16, lines 9-23). There does not appear to be any user interaction with a banner in Gennaro. The user in Gennaro can choose and click on hot spot 44 which causes an embedded menu 46 with a banner that was associated with the selected hot spot 44 in FIG. 2A. " to be displayed but the banner does not relate to advertising. In fact, the term advertising cannot be found in Gennaro and the purpose of Hoyle is advertising. Contrary to the Examiner's contention, the Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gennaro regarding a means for displaying navigation options with the teachings of Hoyle regarding the monitoring of a user's behavior because information about a user's interaction with a banner allows an advertiser to subsequently send more relevant banners because there does not

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appear to be any disclosure or teaching or suggestion of any user interaction with banners in Gennaro, and Gennaro is totally silent as to advertising. The Applicant further respectfully submits the prior art fails to teach or even suggest the combining of the Gennaro and Hoyle patents for the purpose of a 103 rejection. Gennaro only uses the term banner once "a banner that matches the text ("WHO WE ARE")" This is not the same type of banner being claimed presently. The Gennaro patent does not disclose the banner display means having a menu display means for presenting a menu of navigation options when an end-user clicks on the banner as found in Claim 1. This term banner as used in the Gennaro patent is not consistent with the definition of "banner" as understood by one skilled in the art as explained above. The banner in Gennaro does not have or disclose a banner display means having a menu display means for presenting a menu of navigation options when an end-user clicks on the banner as found and is incapable of providing such a functionality.

The Examiner's contention that "in the context of making information known, Gennaro does teach advertising. So a person implementing Gennaro trying to have more relevant menus would be motivated to combine the teachings of Gennaro with Hoyle." is totally erroneous. Textbooks and encyclopedias are examples of things that make information known yet they are not considered advertising. This is a supposition of the Examiner and not something taught or disclosed in the Gennaro reference. The Examiner has supplied all of the above suppositions to support his various reasons for rejecting the Claims and in so doing has taught definitions that are not used by those skilled in the art. Furthermore, the Examiner cannot point out anything in the prior art that supports his suppositions or that teaches his definitions and interpretations of elements in the prior art such as regards advertising and banners.

The Applicant respectfully disagrees with the Examiner's assertion that, as to the rejection of Claims 34 and 53, Hoyle teaches an alerting means for alerting the end-user that the

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banner software has been changed on the end-user computer. Claims 34 and 53 include "an alerting means for alerting the end-user that the banner software has been changed on the end-user computer." The Applicant cannot find any indication of such an alerting means in either the Hoyle or Gennaro patents. There is nothing in either reference to alert the user that banner has been updated or changed enticing the user to go to the banner and see the change such as in the present Claims.

In summary, the Applicant respectfully submits that there is an absence of features of the present Claims in the cited references and there is not even a suggestion in the cited references that would lead one skilled in the art to combine the Gennaro and Hoyle references. Neither Gennaro or Hoyle teach or disclose "a menu display means for presenting a menu of navigation options when an end-user clicks on the banner and at least a portion of the navigation options are URLs on a network to which an end-user computer is connectable". Therefore, the Applicant respectfully submits that the Examiner's rejection of Claims 2-27, 29, 31, 33-34, 42-48, and 50-53 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, has been overcome by the remarks above.

3. The Examiner's rejection of Claim 30 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, and further view of U.S. Patent No. 6,678,663 to Mayo, has been carefully studied and the Applicant respectfully disagrees with the Examiner because there is an absence of features of the presently claimed invention and there is not even a suggestion in the cited references that would lead one skilled in the art to combine the Gennaro and Hoyle references as clearly proven above. Gennaro and Hoyle fails to teach "a menu display means for presenting a menu of navigation options when an end-user clicks on the banner and at least a portion of the navigation options

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are URLs on a network to which an end-user computer is connectable" and it would not have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gennaro regarding a means for displaying navigation options with the teachings of Hoyle regarding the monitoring of a user's behavior because information about a user's interaction with a banner allows an advertiser to subsequently send more relevant banners because there does not appear to be any disclosure or teaching or suggestion of any user interaction with banners in Gennaro and Gennaro is totally silent as to advertising. The Applicant further respectfully submits the prior art fails to teach or even suggest the combining of the Gennaro and Hoyle patents for the purpose of a 103 rejection.

Therefore, the Applicant respectfully submits that the Examiner's rejection of Claim 30 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, and further view of U.S. Patent No. 6,678,663 to Mayo, has been overcome by the remarks above.

4. The Examiner's rejection of Claims 35, 38-39 and 54-55 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, and further view of U.S. Patent No. 5,666,500 to Roberson, has been carefully studied and the Applicant respectfully disagrees with the Examiner because there is an absence of features of the presently claimed invention and there is not even a suggestion in the cited references that would lead one skilled in the art to combine the Gennaro and Hoyle references as clearly proven above. Gennaro and Hoyle fails to teach "a menu display means for presenting a menu of navigation options when an end-user clicks on the banner and at least a portion of the navigation options are URLs on a network to which an end-user computer is connectable" and it would not have been obvious to one of ordinary skill in the Computer Networking art

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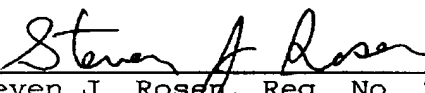
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at the time of the invention to combine the teachings of Gennaro regarding a means for displaying navigation options with the teachings of Hoyle regarding the monitoring of a user's behavior because information about a user's interaction with a banner allows an advertiser to subsequently send more relevant banners because there does not appear to be any disclosure or teaching or suggestion of any user interaction with banners in Gennaro and Gennaro is totally silent as to advertising. The Applicant further respectfully submits the prior art fails to teach or even suggest the combining of the Gennaro and Hoyle patents for the purpose of a 103 rejection.

Therefore, the Applicant respectfully submits that the Examiner's rejection of Claims 35, 38-39 and 54-55 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, and further view of U.S. Patent No. 5,666,500 to Roberson,, has been overcome by the remarks above.

5. Therefore, the Applicant respectfully submits that the Examiner's rejections of Claims 1-55 have been overcome by the remarks above and requests that all pending Claims be passed on to issue.


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April 20, 2005

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banner

Last modified: Thursday, April 29, 2004

Also referred to as a banner ad, a banner is a typically rectangular advertisement placed on a Web site either above, below or on the sides of the Web site's main content and is linked to the advertiser's own Web site. In the early days of the Internet, banners were ads with text and graphic images. Today, with technologies such as Flash, banners have gotten much more complex and can be ads with text, animated graphics and sound. Most commerce-related Web sites use banner ads.

Also see interstitial, hyperstitial and SUPERSTITIAL.

E-mail this definition to a colleague

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PsPrint: Vinyl Banner Printing - Offers full color printing services, including vinyl banner printing. Banner sizes are available in 1' increments up to 16' x 100'.

Signs 4 Less: Banner Signs - Suppliers of banners, custom or specialized signs, rigid signs, window and vehicle lettering, vehicle graphics, decals, traffic signs, and more.

TradeShowShop.com: Banners - Offers inkjet, paintjet, or cut vinyl type banners which are manufactured from a client's artwork or can be custom designed.

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ad banner

a.k.a. banner ad

An advertisement on a Web page, it links to another Web site or buffer page. Ad banners are the most common unit of advertising on the Web and cost anywhere from free to \$5,000 to more than \$150,000 per month depending on the amount of traffic and page views the Web site (and thus the ad banner) receives. It's called an ad banner because the original online advertisements were always in the shape of a banner, usually placed at the top of a page. There are many sizes of online ad banners, including small rectangular boxes known as buttons. The standard size for an ad banner set by the Internet Advertising Bureau (IAB) is 468 pixels wide by 60 pixels high. For a list of common ad banner sizes, and for a little history in the form of a rant-and-rave about ad banners and "pay-per" advertising models, visit this definition on NetLingo.com. BTW, spending for online ads was about \$300 million in 1996, and it grew to \$5.4 billion in 2000, even though the click-through rate is less than 1 percent and more than 50 percent of surfers say they never click on banners.

We think the whole topic deserves a little history in the form of a rant-and-rave... There are many problems with online advertising which are slowly getting sorted out, however, they remain. In addition to problems with publishers accurately identifying how many impressions they actually receive (there are now online auditors to "double check"), some advertisers will now only pay publishers on cost-per-click-through model. This means you only get paid for however many times someone clicks on an ad banner on your Web site. It's a controversial topic in the industry. **Our stance?** Publishers should get paid regardless of how many click-throughs the darn thing generates because they are still sacrificing real estate and putting (often obnoxious messages and designs) on their own Web pages; they have no control over the quality of the message that would entice one to click on it, and at the same time, people are still seeing it. Advertisers will, in turn, recognize they need to develop higher quality ad banners in order to increase their brand awareness online (and click through rates). This is better than circus-act colors and animation, or the bait-and-switch type tactics advertisers try to employ ("Shop Naked" being the most famous one put out by MCI in the early days).

Unfortunately advertising and media are so engrained in American culture that advertising is a driving force *even on the net*. Heck, we remember the good old days when everyone online really was on an equal playing field. Now, any dot.com who gets funded with VC money can buy a superbowl television spot for a million dollars and announce his Web site...that makes it hard for Joe-Consumer to compete. Our stance on ad banners continues to be: a necessary evil.

The standard size for an ad banner set by the Internet Advertising Bureau (IAB) is 468 pixels wide by 60 pixels high. There are now many more:

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Design Services**Internet Terms & Definitions****E-Commerce**

At National Web Design we realize that the vast number of terms and catch phrases associated with the internet in use today can be very confusing, and consequently they are sometimes used incorrectly. So in order to help clarify this situation, we offer the following glossary of internet terms and definitions.

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Internet Terms & Definitions

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A

Links

ASCII A convention which defines computer keyboard characters as binary numbers for programming purposes. For example, the character A is defined as 65.

Client List**Home**

Affiliate A website that chooses to display products and/or services of another merchant in an effort to earn commissions on sales.

Applet A self-contained segment of Java code.

Application A specific software program.

ASP 1.) Active Server Pages. A dynamic scripting language which allows web pages to be configured to specific user requests.

ASP 2.) Application Service Provider. A company that sells software-based services and solutions over the Internet.

Authentication A technique that limits access to internet or intranet resources to those visitors who identify themselves by entering a username and password.

B

Bandwidth A measure of data transferred in kilobytes.



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Internet Terms & Definitions

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A

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B

Bandwidth A measure of data transferred in kilobytes.



banner

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SUPPORT
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GO BACK
home DEFINITIONS banner

banner

banner: n.



1. A top-centered graphic on a web page. Esp. used in banner ad.
2. On interactive software, a first screen containing a logo and/or author credits and/or a copyright notice. Similar to splash screen.
3. The title page added to printouts by most print spoolers (see spool). Typically includes user or account ID information in very large character-graphics capitals. Also called a burst page, because it indicates where to burst (tear apart) fanfold paper to separate one user_s printout from the next.
4. A similar printout generated (typically on multiple pages of fan-fold paper) from user-specified text, e.g., by a program such as Unix_s **banner({1,6})**.

Courtesy of 'The Jargon File 4.4.7'

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